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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,407	04/11/2001	Jayraz Luchoomun	ATH113US	3420

20786 7590 10/22/2002

KING & SPALDING
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763

EXAMINER

KILLOS, PAUL J

ART UNIT	PAPER NUMBER
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1625

DATE MAILED: 10/22/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.



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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire _____ month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-68 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-68 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Pursuant to authority delegated by the Commissions of Patent under 35 U.S.C. 121 restriction is hereby required between the distinct inventions claimed in the present application and identified as follows.

I. Claims 1, 2, 4-7, 35, 36 directed to compounds and method of treatment classified in class 502, subclass 426.

II. Claims 3, 8, 9, 14-17, 31-34, 37 and 39 directed to compounds and method of treatment classified in class 558 subclass 20.

III. Claims 10-14, 27-30, 38 directed to compounds and method of treatment classified in class 560 subclass 009.

IV. Claims 18-26 directed to compounds classified in class 560 subclass 16.

V. Claims 40-53, 65-68 directed to a method classified in class 514.

VI. Claims 54-62 directed to a method of determining the functionality of a compound.

VII. Claims 63 directed to method of identifying a compounds by its pharmaceutical properties.

VIII. Claim 64 directed to a method of assessing a compound.

The above inventions are regarded as distinct because they are separate entities and they are patentable in view of each other.

It is to be noted that Congress has in 35 U.S.C. 121 to restrict the application to one of two or more inventions, 35 U.S.C. 121 does not purport to distinguish between two or more distinct inventions recited in one claim vis-à-vis two or more distinct

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invention recited in more than one claim. Accordingly applicants are required to limit the application to one of the above distinct inventions.

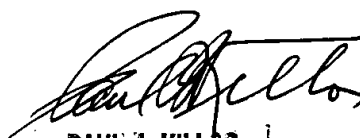
To be complete, applicant's response must include a provisional election even though the requirement is traversed:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J Killos whose telephone number is 308-0135. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Rotman can be reached on 308-1701. The fax phone numbers for the organization where this application or proceeding is assigned are 308-4556 for regular communications and 308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.

Killos/LR
September 30, 2002



PAUL J. KILLOS
PRIMARY EXAMINER
Gr. 1623